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EXAMINER

ARMSTRONG, ANGELA A

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/020,102

Applicant(s)

SHAFFER ET AL.

Examiner

Angela A. Armstrong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 3/9/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see Pre-Appeal Request for Review, filed March 9, 2006, with respect to the rejection(s) of claim(s) 1-8, 10-16, 32-33, and 35-36 under 35 U.S.C 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made in view of Roth (US Patent Application Publication No. 2005/0038657).

2. Applicant's arguments with respect to claims 9, 17-31, 34 and 37 have been fully considered but they are not persuasive.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5

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USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Dionne specifically teaches that the system is useful in assisting individuals with learning disabilities or severe visual impairments, and one of ordinary skill would clearly recognize the desirability of providing such individuals with text editing assistance so as to have a reading machine spell a word and provide an text-to-speech output of the word Further, the Examiner contends, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8, 10-16, 32-33, and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell (US Patent No. 5,799,273) in view of Roth et al (US Patent Application Publication No. 2005/0038657).
4. Regarding claims 1 and 35, Mitchell discloses a system for relating words in an audio file to words in a text file, comprising: retrieving a text file comprising a plurality of textual words (col. 6, lines 20-29); generating an audio file comprising a plurality of audible words based on the text file (col. 6, lines 9-19); storing information relating each audible word to a

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corresponding textual word (col. 6, lines 48-65); and an electronic marker within the audio file that indicates the position of the audible word within the text file (abstract; col. 9, lines 13-25 in which Mitchell discloses the user can delete and/or insert text and the recognition interface updates the links between the recognized word and the associated audio components such that link data is amended to indicate the correct character position of the word in the text).

Mitchell does not teach the audio file is transmitted or available to a user of a telecommunications device. Roth discloses a combined speech recognition and text-to-speech system for use in a cellular telephone, in which text-to-speech (TTS) generation is used in conjunction with large vocabulary speech recognition to say words selected by the speech recognizer. TTS or recorded audio can be used to say both recognized text and the names of recognized commands after their recognition. The TTS can repeat text recognized by the speech recognition after each of a succession of end of utterance detections. A user can move a cursor back or forward in recognized text, and the TTS can speak one or more words at the cursor location after each such move. The speech recognition can be used to produce a choice list of possible recognition candidates and the TTS can be used to provide spoken output of one or more of the candidates on the choice list. Roth suggests that such a system provides for an effective large-vocabulary speech recognition that is used on portable computers that is capable of providing a user interface that makes it easier and faster to create, edit, and use speech recognition on such devices.

It would have been obvious to one of ordinary skill at the time of the invention to modify the system Mitchell to provide the linked audio and text data to users of a plurality of computing devices, as suggested by Roth for the purpose of providing an effective large-

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vocabulary speech recognition that is used on portable computers that is capable of providing a user interface that makes it easier and faster to create, edit, and use speech recognition on such devices, as also suggested by Roth.

Regarding claim 2, Mitchell discloses the textual words comprise ASCII text (col. 5, lines 59-67).

Regarding claim 3, Mitchell discloses the audio file is stored in the form of a WAV file (col. 6, lines 9-29; col. 13, lines 26-30).

Regarding claim 4, Mitchell discloses the information comprises voice tags embedded in the audio file (col. 7, lines 1-30).

Regarding claim 5, Mitchell discloses the information comprises a file map relating a location of each textual word within the text file to a location of the corresponding audible word in the audio file (col. 6, line 48 to col. 8, line 3).

Regarding claims 6 and 36, Mitchell discloses the method steps are performed by login embodied in a computer readable medium (col. 4, line 66 to col. 5, line 36).

Regarding claims 7, 15, and 32, Mitchell discloses a system for relating words in an audio file to words a text file, comprising: retrieving a text file comprising a textual word (col. 6, lines 20-29); generating an audible word corresponding the textual word (col. 6, lines 9-19); storing the audible word in an audio (col. 6, lines 9-29; col. 13, lines 26-30); storing a file map, the file map comprising: a first location locating audible word within the audio file (Figures 3-4; col. 6, line 48 to col. 7, line 30); and a second location locating the textual word within the text file (Figures 3-4; col. 6, line 48 to col. 7, line 30).

Mitchell does not teach the audio file is transmitted or available to a user of a telecommunications device. Roth discloses a combined speech recognition and text-to-speech system for use in a cellular telephone, in which text-to-speech (TTS) generation is used in conjunction with large vocabulary speech recognition to say words selected by the speech recognizer. TTS or recorded audio can be used to say both recognized text and the names of recognized commands after their recognition. The TTS can repeat text recognized by the speech recognition after each of a succession of end of utterance detections. A user can move a cursor back or forward in recognized text, and the TTS can speak one or more words at the cursor location after each such move. The speech recognition can be used to produce a choice list of possible recognition candidates and the TTS can be used to provide spoken output of one or more of the candidates on the choice list. Roth suggests that such a system provides for an effective large-vocabulary speech recognition that is used on portable computers that is capable of providing a user interface that makes it easier and faster to create, edit, and use speech recognition on such devices.

It would have been obvious to one of ordinary skill at the time of the invention to modify the system Mitchell to provide the linked audio and text data to users of a plurality of computing devices, as suggested by Roth for the purpose of providing an effective large-vocabulary speech recognition that is used on portable computers that is capable of providing a user interface that makes it easier and faster to create, edit, and use speech recognition on such devices, as also suggested by Roth.

Regarding claims 8, 16, and 33, Mitchell discloses repeating the steps the method plurality of textual words in the text file (col. 5, line 59 to col. 8, line 3; Figures 3-4).

Regarding claim 10, Mitchell discloses a system for relating words in an audio file to words in a text file, comprising: retrieving a text file comprising a plurality of textual words (col. 6, lines 20-29); generating an audible word corresponding to each textual word, each audible word comprising media stream packets (col. 6, lines 9-29); and playing the audible words to a user in real time as the audible words are generated (col. 8, line 52 to 10, line 2); and during the playing of the audible words, determining a current textual word corresponding audible word currently being played (col. 8, line 52 to col. 10, line 2).

Mitchell does not teach the audio file is transmitted or available to a user of a telecommunications device. Roth discloses a combined speech recognition and text-to-speech system for use in a cellular telephone, in which text-to-speech (TTS) generation is used in conjunction with large vocabulary speech recognition to say words selected by the speech recognizer. TTS or recorded audio can be used to say both recognized text and the names of recognized commands after their recognition. The TTS can repeat text recognized by the speech recognition after each of a succession of end of utterance detections. A user can move a cursor back or forward in recognized text, and the TTS can speak one or more words at the cursor location after each such move. The speech recognition can be used to produce a choice list of possible recognition candidates and the TTS can be used to provide spoken output of one or more of the candidates on the choice list. Roth suggests that such a system provides for an effective large-vocabulary speech recognition that is used on portable computers that is capable of providing a user interface that makes it easier and faster to create, edit, and use speech recognition on such devices.



It would have been obvious to one of ordinary skill at the time of the invention to modify the system Mitchell to provide the linked audio and text data to users of a plurality of computing devices, as suggested by Roth for the purpose of providing an effective large-vocabulary speech recognition that is used on portable computers that is capable of providing a user interface that makes it easier and faster to create, edit, and use speech recognition on such devices, as also suggested by Roth.

Regarding claim 11, Mitchell discloses the textual words comprise ASCII text (col. 5, lines 59-67).

Regarding claim 12, Mitchell discloses initializing a counter identifying textual words within the text file (col. 6, line 48 to col. 7, line 30); and incrementing the counter after each audible word is played (col. 6, line 48 to col. 7, line 30); wherein the step of determining comprises identifying the current textual word using the counter (col. 6, line 48 to col. 7, line 30).

Regarding claim 13, Mitchell discloses storing information about the audible word, the information comprising: an identifier for the textual word corresponding the audible word (col. 6, line 48 to col. 8, line 3); and a time at which the audible word was played (col. 6, line 48 to col. 8, line 3; Figures 3-4).

Regarding claim 14, Mitchell discloses the method steps are performed by login embodied in a computer readable medium (col. 4, line 66 to col. 5, line 36).

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5. Claims 9, 17-31, 34 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell in view of Dionne (US Patent No. 6,068,487) and further in view of Frulla et al (US Patent No. 6,424,357).

6. Regarding claims 9, 17-31, 34 and 37, Mitchell discloses a system which provides a user interface for relating words in an audio file to words a text file, comprising: retrieving a text file comprising a textual word (col. 6, lines 20-29); generating an audible word corresponding the textual word (col. 6, lines 9-19); storing the audible word in an audio (col. 6, lines 9-29; col. 13, lines 26-30); storing a file map, the file map comprising: a first location locating audible word within the audio file (Figures 3-4; col. 6, line 48 to col. 7, line 30); and a second location locating the textual word within the text file (Figures 3-4; col. 6, line 48 to col. 7, line 30).

Mitchell does not teach that the system identifies an audible word to be spelled in response to the command to spell; identifies a textual word in a text file corresponding to the audible word to be spelled; and audibly spell the textual word. Dionne teaches a method for having a reading machine spell a word, which includes retrieving a word to be spelled, displaying letters of the word, spelling the word and provide an text-to-speech output of the word (col. 3, lines 8-34). Dionne teaches that the system is useful in assisting individuals with learning disabilities or severe visual impairments.

It would have been obvious to one of ordinary skill at the time of the invention to modify the system of Mitchell to provide the spelling of words in the text, to aid in the editing of recognized text and in the correcting of recognition errors, for the purpose of assisting individuals with visual impairments with editing of text.

Mitchell and Dionne do not teach the command input to the system is via a voice command. However, implementation of voice commands to allow for system functionality and control similar to that of hand-controlled input devices was well known in the art.

Frulla discloses a voice input system has a microphone coupled to a computing device, with the computing device typically operating a computer software application. A user speaks voice commands into the microphone, with the computing device operating a voice command module that interprets the voice command and causes the graphical or non-graphical application to be commanded and controlled consistent with the use of a physical mouse (Figures 2-3; col. 4, lines 57-64), and specifically teaches the system is advantageous in environments in which it is inconvenient or impractical to use a mouse, and thereby making the user interface more convenient and efficient for a user to input information and commands.

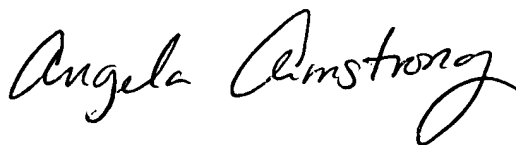
It would have been obvious to one of ordinary skill at the time of the invention to modify the system of Mitchell to provide the spelling of words in the text, to aid in the editing of recognized text and in the correcting of recognition errors and to further provide voice command control, as suggested by Frulla, for the purpose of making the user interface more convenient and efficient for a user to input information and commands in situations in which using a physical mouse is impractical or cumbersome.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela A. Armstrong whose telephone number is 571-272-7598. The examiner can normally be reached on Monday-Thursday 11:30-8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Please note the change in art unit designation for the examiner from old art unit "2654" to new art unit "2626."

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Angela A Armstrong  
Primary Examiner  
Art Unit 2626